



**REGULAR MEETING OF THE GREENBELT CITY COUNCIL held August 13, 2007.**

Mayor Davis called the meeting to order at 8:05 p.m.

**ROLL CALL** was answered by Councilmembers Konrad E. Herling, Leta M. Mach, Edward V. J. Putens, Rodney M. Roberts, and Mayor Judith F. Davis.

**ALSO PRESENT** were Michael P. McLaughlin, City Manager; Robert A. Manzi, City Solicitor; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in memory of residents Donald Thomas Barber, Weldon B. Drake, Jr., Dorothy Elizabeth Fancher, and James Thomas Lee; former resident Jane Stone Runow; and William Fox, brother of Public Works Employee Michael Fox. She then led the pledge of allegiance to the flag.

**CONSENT AGENDA :** Mayor Davis asked to remove the minutes of the meetings of July 9 and July 16. Mr. Roberts asked to remove the communication from the Advisory Committee on Education. With those changes, it was moved by Mr. Putens and seconded by Mr. Herling that the consent agenda be approved. The motion passed 5-0.

Council thereby took the following actions:

**MINUTES OF COUNCIL MEETINGS**

- Work Session, June 13, 2007
- Work Session, July 23, 2007
- Work Session, August 1, 2007
- Approved as presented.

**COMMITTEE REPORTS**

Community Relations Advisory Board, Report #2007-1 (Request from Keith Chernikoff - Paperclips Project ): Council received this report and agreed to discuss it on a future agenda when the report from the Advisory Committee on Education has been received.

Community Relations Advisory Board, Report #2007-2 (Request from Larry Yore ): Council received this report tonight and agreed to hold it for discussion on a future agenda when other reviews are completed.

Recycling & Environment Advisory Committee, Report #2007-02 (Pesticide Use) : Council accepted this report and referred it to staff for review prior to scheduling a work session or placing it on an agenda for discussion.

**AWARD OF CONTRACT FOR FY 2008 STREET CONSTRUCTION WORK :** Council approved contracting with NZI Construction of Beltsville for the FY 2008 street resurfacing, CDBG, and concrete work at an estimated total cost of \$304,700.

**ADOPTION OF BOARD OF APPEALS VARIANCE RESOLUTION #07-001-V :** Council adopted Board of Appeals Resolution for Variance 07-001-V.

**APPROVAL OF AGENDA :** Mr. Roberts asked to add BARC Leasing Arrangements to the agenda as item #26. It was moved by Mr. Herling and seconded by Mr. Putens that the agenda be approved as amended. The motion passed 5-0.

## **PRESENTATIONS**

**Recognition of State Senator Douglas J. J. Peters :** In his previous role as a member of the County Council, Senator Peters was instrumental in obtaining significant county funding to help build the City's new skateboard park. Council recognized the Senator's efforts and presented him with several tokens of the City's appreciation. Joe McNeal, Assistant Director, Recreation, also provided an update on skate park activity.

**MML Award of Excellence – Artful Afternoon, Nicole DeWald :** The City received a Maryland Municipal League Award of Excellence at the MML Annual Conference for its Artful Afternoon program, which was created and implemented by Arts Supervisor Nicole DeWald, who was present to be recognized for her work on this successful program. She also thanked the other Recreation Department staff who work on the program, the Community Center artists-in-residence, and the other participating artists.

**Introduction of New CARES Staff :** Dr. Liz Park, Director, Social Services, introduced Glenda Bullock-Willis, who was recently hired as a Crisis Intervention Counselor (CIC) in the Greenbelt CARES program, and Shireen Blair, who has been working as a CIC for the last several years. Another new CIC, Blanca Brana, was unable to attend the meeting.

**PETITIONS AND REQUESTS :** None.

**MINUTES OF MEETINGS :** Regular Meeting, July 9, 2007; Work Session, July 16, 2007. Mayor Davis made several clarifications to the minutes. Mr. Putens moved approval of both sets; they were seconded, respectively, by Mr. Herling and Ms. Mach and carried on 5-0 votes.

## **ADMINISTRATIVE REPORTS**

Mr. McLaughlin announced that Christal Batey, Community Resource Advocate for the Assistance-in-Living Program, had been recognized by the Volunteer Maryland Program. He also expressed thanks to the state delegation for the \$300,000 in grants being provided for the

theater building renovation.

Lt. David Buerger gave a report on the status of police activity at Roosevelt Center, based on his August 7 memorandum to the City Council. The Mayor asked him if it was possible to get statistics on the time of day and types of crimes that occurred in the general area of the overpass in order to see whether there are patterns that would shed light on possible solutions. Mr. Putens suggested that residency of individuals involved would also be helpful. Lt. Buerger said providing such data would likely be very labor-intensive at this time because it is not automated but that he would look into what could be done. In response to a question from Ms. Mach, Mr. McLaughlin said automating police data was a high priority and had been an item on the CALEA accreditation report that needed to be addressed. Mr. Roberts asked how long the increased police presence in the area would last. Lt. Buerger said it depended on staffing capabilities.

Mr. McLaughlin said that two dates had been tentatively set for public forums on public safety issues in the Spellman Overpass area: Tuesday, August 28, at 7:30 p.m. at the Greenbriar Community Building and Saturday, September 15, at 11 a.m. at the Municipal Building. Mayor Davis said the focus of the public hearings was to be on solutions to crime in the area of the overpass.

Ms. Mach noted the opening of the Greenbelt Museum's new exhibit, Windsor Green's 50 th anniversary events, the Boys and Girls Club Community Unity Day, and the County Dialogue on Mixed Use Zoning.

Mr. Putens mentioned attending the NLC Small Cities Steering Committee meeting and the various National Night Out events in Greenbelt.

Mr. Herling talked about the debut of Greenbelt in Focus, a newsreel about Greenbelt that, together with animated shorts produced by GAVA and GATE, will precede films at the Academy Theatres at Beltway Plaza. Mayor Davis added that Academy Theatres was to be commended for its willingness to participate in this program, including having purchased a special camera to do so.

Mayor Davis mentioned the Greenbelt Community Foundation's presentation of its first grants, Creative Kids Camp, the opening of the new museum exhibit, the groundbreaking for the new building at Goddard Space Flight Center, the celebration of the 50 th anniversary of the Greenbelt Swim Team, and the National Night Out events.

**COMMITTEE REPORTS :** Advisory Committee on Education, 7/30/07 Communication (Letter to Ingrid Turner). Mr. Roberts said he thought the letter to County Councilmember Turner should explain the City's position on the plan most recently supported by the County Council for Greenbelt Middle School. Mr. McLaughlin suggested enclosing a separate statement of position with the letter, to which Council agreed. It was moved by Mr. Roberts and seconded by Mr. Herling that the draft letter would be revised to include Mayor Davis's and Ms. Mach's suggestions as well as the statement of position and would then be circulated back to Council for review. The motion carried 5-0.

## **LEGISLATION**

### **An Ordinance to Amend Chapter 8, “Elections,” of the Greenbelt City Code, in Order to Revise Section 8-4, “Absentee Voting,” to Empower the Board of Elections to Determine Whether a Ballot Submitted Without a Sealed “Secrecy” Envelope Should Be Deemed Invalid**

Mayor Davis read the agenda comments. Mr. Roberts introduced the ordinance for second reading and moved its adoption. Mr. Putens seconded the motion.

ROLL CALL: Mr. Herling - yes  
Ms. Mach - yes  
Mr. Putens - yes  
Mr. Roberts - yes  
Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1289, Book 12).

### **A Resolution of the City of Greenbelt Adopted Pursuant to the Authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland, (1957 Edition as Amended), Title, “Corporation-Municipal,” Subtitle “Home Rule” to Amend the Charter of the City of Greenbelt Found, in Whole or in Part, in the Compilation of Municipal Charters of Maryland (1983 Edition as Amended), as Prepared by the Department of Legislative Reference Pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, by Amending Section 31, Titled “Election of Council” to Clarify a Certain Requirement for Holding a Runoff Election (Charter Amendment Resolution No. 2007-1)**

The Mayor read the agenda comments. Ms. Mach introduced the resolution for second reading and moved its adoption. Mr. Putens seconded the motion.

ROLL CALL: Mr. Herling - yes  
Ms. Mach - yes  
Mr. Putens - yes  
Mr. Roberts - yes  
Mayor Davis - yes

The resolution was declared adopted (Resolution No. 1020, Book No. 8).

### **A Resolution of the City of Greenbelt Adopted Pursuant to the Authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland, (1957 Edition as Amended), Title, “Corporation-Municipal,” Subtitle “Home R**

**ule” to Amend the Charter of the City of Greenbelt Found, in Whole or in Part, in the Compilation of Municipal Charters of Maryland (1983 Edition as Amended), as Prepared by the Department of Legislative Reference Pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, by Amending Section 21, Titled “Campaign Financial Reports,” to Empower the City Council to Require Reporting of Contributions and Expenditures Made for the Purpose of Furtherance of or Opposition to Any Ballot Question (Charter Amendment Resolution No. 2007-2)**

Mayor Davis read the agenda comments. She introduced the resolution for second reading and moved its adoption. Mr. Putens seconded the motion.

Mr. Roberts asked if this type of reporting was required by most cities. Ms. Gallagher said that it was required by the state and county and at least by the larger cities in Maryland, with the exception of Laurel.

The Mayor reiterated that this legislation did not establish any requirement and that the specifics for that would be developed later.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

The resolution was declared adopted (Resolution No. 1021, Book No. 8).

**A Resolution to Authorize the Negotiated Purchase of Certain Goods and Services from Various Vendors as Enumerated Herein When Total Fiscal Year Purchases from Each Vendor Exceed Ten Thousand Dollars (\$10,000)**

Mayor Davis read the agenda comments. Mr. Putens introduced the resolution for second reading and moved its adoption. Ms. Mach seconded the motion.

ROLL CALL: Mr. Herling - yes

Ms. Mach - yes

Mr. Putens - yes

Mr. Roberts - yes

Mayor Davis - yes

The resolution was declared adopted (Resolution No. 1019, Book No. 8)

**An Ordinance to Amend the Capital Projects Budget for Fiscal Year 2008**

Mayor Davis read the agenda comments. Mr. Putens introduced the ordinance for first reading. Council directed staff that a public hearing should be held prior to consideration of the ordinance for adoption at the September 10 meeting.

### **A Resolution to Establish a Living Wage Policy for the City of Greenbelt**

Mayor Davis read the agenda comments. Ms. Mach introduced the resolution for first reading.

**AGREEMENT – NEW DEAL CAFÉ :** Mayor Davis read the agenda comments. Peter May, president of the board of the New Deal Café, was present. Mayor Davis suggested revising the first condition to make it clear that the limitation on bottles and plastic cups referred only to alcoholic beverages. Mr. May said they had noticed that problem as well but otherwise had approved the conditions. It was moved by Mr. Putens and seconded by Ms. Mach that Council approve the agreement with the New Deal Café, which was a condition of Council's support for the Café's application to the Liquor Board to extend its service of beer and wine to its outdoor patio area. There was some discussion of the appearance of the outdoor area and the fencing plans. Mr. May said he wanted to work closely with the City in the development of the plan to be sure whatever they proposed would meet Council's approval when they brought it forward. There was also considerable discussion of the time of night at which alcohol service would cease on the patio. The Mayor suggested closing the patio at 11 p.m. since the park closes at that time. Mr. May said they would be very reluctant to do that, since people enjoy sitting outdoors in the evening while the Café is open. Mr. Putens suggested ending alcohol service at 11 p.m. on the patio regardless of how late either the patio or the indoor Café was open. That was agreed to.

Mayor Davis said that although she thought the agreement was satisfactory, she would vote against it because she had not supported the application to extend alcohol service to the patio at all. Mr. Roberts agreed, adding that he was still not in favor of the permit, though he would have considered supporting a position of "no position" by the Council. Mr. May said he understood. The motion to approve the agreement carried 3-2 (Davis, Roberts).

**CAMPAIGN SIGNS ON CITY PROPERTY :** The Mayor read the agenda comments. It was moved by Mr. Putens and seconded by Mr. Herling to continue the program for campaign signs on City property for the 2007 City Council election. The motion passed 5-0.

**PUBLIC WORKS MUTUAL AID AGREEMENT :** Mayor Davis read the agenda comments. It was moved by Mr. Putens and seconded by Ms. Mach that Council authorize the signing of the agreement by the Mayor, City Manager, and Director of Public Works. The Mayor asked who determined whether an emergency existed in this context. Mr. Manzi said the municipality in question made that determination based on its resources to handle the problem. The motion carried 5-0.

**AWARD OF PURCHASE - PUBLIC WORKS VEHICLE :** Mayor Davis read the agenda comments. She asked how the pick-up truck and the hybrid SUV would be interchangeable. Bill Phelan, Assistant Director, Public Works, said that the crew had requested a pick-up truck but had agreed that the SUV would be workable when it was determined that no appropriate CNG vehicle was available on bid. Ms. Mach commented that although the SUV was more expensive, the gas mileage was much better. It was also noted that the equipment to be considered in the next agenda item was coming in considerably below budget. Mr. Roberts questioned whether state bids are necessarily the best source or whether other options might be found directly. He also questioned the utility of the SUV as a building maintenance truck. Mr. Phelan replied that it would work for what the crew leader who drives it needs to carry. It was moved by Ms. Mach

and seconded by Mr. Herling that Council approve the purchase of a Ford Escape Hybrid SUV from Hertrich Fleet Services in accord with State of Maryland bid #001B7900318 at a cost of \$26,076. The motion carried 4-1 (Roberts).

**AWARD OF PURCHASE – PUBLIC WORKS SKID STEER LOADER :** The Mayor read the agenda comments. It was moved by Mr. Putens and seconded by Mr. Herling that Council approve purchase of a John Deere 325 skid steer loader and attachments from Atlantic Tractor of Davidsonville in accord with State of Maryland bid #001B7900310 at a cost of \$30,563. The motion passed 5-0.

**PROPOSAL FOR A STRATEGIC PLANNING WEEKEND – COUNCILMEMBER HERLING :** The Mayor read the agenda comments, which indicated that a date had been placed on the calendar for a work session to plan a meeting related to the City Goals. Mr. Herling said he had asked to have this item placed on the agenda in order to highlight it. He agreed to defer the topic and his specific proposals to the planning work session on August 20.

**DEADLINE FOR REQUESTING LOCAL & BI-COUNTY BILLS :** The Mayor read the agenda comments. She asked to add another item that Council had discussed: the difficulty in rehiring police officers because of the requirements of the state retirement system. Mr. McLaughlin pointed out that this was a statewide issue, and it was concluded that this issue should be raised as early as necessary with the state delegation. Mr. Roberts said he was not sure he wanted to support that proposal, since he thought it made more sense to put any available monies into hiring, training, and retaining younger police officers rather than rehiring retired officers for light duty. Mr. Putens responded that what he had in mind was for the retired officers to do duties that would provide greater coverage for the City (e.g., foot patrols) while freeing up the younger officers for other duty. Mr. McLaughlin added that at this point, they could not even be hired as civilians. Mr. Putens made a motion that Council approve the resubmission of the gas station liquor license bill and support for a local speed camera bill as outlined in the staff comments to the agenda. Ms. Mach seconded the motion, which passed 5-0.

**BELTSVILLE AGRICULTURAL RESEARCH CENTER (BARC) :** Mr. Roberts said he put this item on the agenda because the article in the paper saying BARC had not received the bio/agro-defense facility award included information that a private group would be seeking leasing authority to lease out some of BARC's buildings. It was clarified that the group is the National Agricultural Research Alliance-Beltsville, of which Ms. Mach is a member. Ms. Mach said there are buildings that cannot be used at BARC because of their state of disrepair and that the goal is to have their renovation and upkeep be assumed by organizations with similar missions, which would assist BARC. Mr. Roberts said he did not like the idea of even leasing BARC property or facilities and that he would like to make a motion to write a letter to our federal representatives asking what requests they have received regarding this. It was noted that a stakeholder meeting with the director of BARC would be held soon. After some discussion, it was concluded that Ms. Mach would also get current information from the steering committee of the organization in order to know exactly what had been done. The majority agreed to wait to pursue this until additional information had been obtained.

**MEETINGS :** Council reviewed the schedule of upcoming meetings. Mr. McLaughlin said a September 19 meeting was being scheduled in Laurel to deal with the newspaper vending box issue and that if the newspapers could not attend that night, it would probably still be worthwhile for the municipalities to meet. It was agreed to schedule the executive session on personnel issues on September 5. The Mayor noted that a work session on the REAC report on pesticide use should be added to the list.

**ADJOURNMENT :** A motion to adjourn the meeting was then made by Ms. Mach and seconded by Mr. Putens. The motion carried 5-0. The Mayor adjourned the regular meeting of August 13, 2007, at 11:12 p.m.

Respectfully submitted,  
Kathleen Gallagher

City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held August 13, 2007. "

Judith F. Davis  
Mayor